



2871

Docket No.: 1185.1044

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shingo OHKAWA

Serial No. 09/273,448

Group Art Unit: 2871

Confirmation No. 7146

Filed: March 22, 1999

Examiner: Julie-Huyen L. Ngo

For: SURFACE LIGHT SOURCE DEVICE OF SIDE LIGHT TYPE AND LIQUID CRYSTAL DISPLAY

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REQUEST FOR WITHDRAWAL OF FINALITY OF OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In the Office Action mailed May 22, 2002, the Examiner withdrew the previous prior art rejections and issued a new rejection of the claims based on the newly cited Okuda et al. and Oyama et al. patents. The Examiner also made this rejection final. It is submitted that the finality of the Office Action is premature and should be withdrawn. In particular, rejected claims 3-16 were not amended in the prior amendment. M.P.E.P. §706.07(a) states:

"Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement . . . "

In view of the fact that the Examiner issued new grounds of rejection that were not necessitated by the applicant's amendment nor based on information submitted in an

Information Disclosure Statement, it is submitted that the finality of the Office Action should be withdrawn.

If there are any questions, please contact the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 6-14-02

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